



Governor Terry E. Branstad
Lt. Governor Kim Reynolds
San Wong, Director

CRIMINAL & JUVENILE JUSTICE PLANNING ADVISORY COUNCIL MINUTES OF REGULAR MEETING

**Jessie Parker Building
Knudsen Room
510 E. 12th Street
Des Moines, Iowa**

May 18, 2016

Present: Tom Walton, Chair; Jerry Bartruff; Kim Cheeks; Tom Ferguson; Andrea Muelhaupt for John Hodges; Mary Kovacevich; Michelle Leonard; Dale Woolery for Steve Lukan; Sherri Soich; Kurt Swaim; Doug Wolfe

Ex-Officio: Hon. Romonda Belcher; Hon. Jeffrey Neary; Sen. Charles Schneider

Staff: Kile Beisner; Cheryl Davidson; Sarah Johnson; Julie Rinker; Lanette Watson

Others: Betty Andrews; Laura Book; Cathy Engel; Anna Hyatt-Crozier; Sheila Corsbie; Arnold Woods

I. Call to Order, Welcome, Introductions

Tom Walton, Chair, call the meeting to order at 10:05 a.m. A quorum was present.

II. Approval of Minutes— November 18, 2015

Kurt Swaim moved to approve the minutes from the November meeting, seconded by Doug Wolfe. The motion was unanimously approved.

III. Division Update

In the absence of Steve Michael, Division Administrator, Kile Beisner provided the following update:

- A status quo budget has been approved for the next fiscal year.
- The Formula Title II grant application has been submitted to fund Juvenile Court Services projects and Disproportionate Minority Contact. The grant is administered through the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- The 2016 Statistical Analysis Center (SAC) grant through the Bureau of Justice Assistance has been submitted. The \$180,000 application will fund several projects. A pilot project in four counties through the State Public Defender's Office will allow alleged indigent offenders to select representation rather than being assigned defense. CJJP will measure effectiveness, cost/benefit, etc. The pilot is based on a similar project in Texas.

- SAC funds will also be used to continue the SPEP project which assesses juvenile programs on effectiveness, quality, risk level, and impact on recidivism.
- A \$200,000 competitive grant application is being submitted to OJJDP for a statewide comprehensive strategic plan to improve outcomes for youth in the juvenile justice system. The project will involve State Court Administration and the Chief Juvenile Court Officers.
- June 15th – Nine communities will attend a one-day conference in Altoona to develop local plans to improve outcomes for kids of color. Each community will bring a team of local leaders who can effect change. A variety of data will be presented.

IV. Format for Legislation Monitoring Report

Beisner reported that the purpose of changing the format of the Legislation Monitoring Report was to reduce the length, but still provide useful information on legislation being tracked. The report would summarize new legislation, provide findings on the impact of historical legislation monitored, and include a five-year table tracking charges/convictions, civil orders filed, etc. A sample format was included in the meeting packet. She asked for thoughts.

Several members provided positive feedback and were pleased with the new format. There was consensus to use the new format.

V. Legislative Updates

Walton discussed recently signed legislation that passed as a result of efforts by this group and the Public Safety Advisory Board. He congratulated members.

Walton asked for discussion on lobbying in order to convey recommendations to legislators. He asked for comments regarding whether it was appropriate, worthwhile, and whether there was interest in doing so by the governor-appointed members.

The following highlights discussion:

- Some members requested training
- Historically, this group has provided recommendations through its report based on data and best practices. The credibility of the group is important and there was concern with the group becoming political.
- It would be helpful if the Chairs and Ranking Members of the House and Senate Public Safety and Judiciary Committees were informed of concerns—may not want to contact every legislator.
- Members could represent the data and the consensus of the group through an informative approach.
- There seems to be an awareness across aisles that this group makes suggestions on good public policy. This may be an opportunity that may not be available later.

Walton thanked members for the thoughtful discussion. Any communication moving forward would be based on the consensus of the group.

VI. Issues from Governor's Working Group

Beisner reviewed issues originally brought before the Governor's Working Group on Criminal Justice Policy Reform prior to its selection of four recommendations in its November 2015 report. At the March PSAB meeting, the Council requested that staff research the issues relevant to criminal and juvenile justice and report back at this meeting. Issues were summarized in a handout and categorized according to oversight by this Council, the Public Safety Advisory Board (PSAB), and the Sex Offender Research Council.

Five issues were brought before this Council to prioritize for further study—Results First; Juvenile Confidentiality Laws; Key Eyewitness Identification Reforms; Custodial Interrogation; and Anti-Racial Profiling. Study would be based upon available staff time.

It was noted that funding was requested for the Results First expansion, but not included in the FY17 budget and the Governor signed a bill making most juvenile records confidential. Therefore, no further research into these two issues is currently necessary. Beisner and Lanette Watson presented information on the remaining three issues. Members prioritized issues as follows. The following also includes discussion highlights:

1. Key Eyewitness Identification Reforms—statewide adoption of reforms to improve accuracy of witness identifications
 - National research indicates that there is a lack of statewide policy or oversight across law enforcement agencies.
 - 25 states have implemented policy by statute or court rule
 - Concerns include the credibility of children and the elderly. There are five child advocacy centers in Iowa that are accredited to assist in interviewing children.
 - Staff could study and formulate best practices and suggest reforms rather than pursue legislation.
 - Some state and national associations may have information on best practices or model policies.
2. Anti-Racial Profiling—Require data collection during stops and make publicly available and/or require written informed consent for LE to search people or vehicles without probable cause

Beisner reported that SF2267 did not pass, but thought it would resurface next session. She suggested exploring national practices and policies.

- Members thought this was an area worthy of study.
 - Communities with higher minority populations could be studied.
 - Concerns included how to study the issue and the lack of available data. Iowa driver's licenses do not list an individual's race; traffic citations have a field, but require officers to make a judgement call on the race of an individual; not all agencies use the TraCS system.
 - Some jurisdictions have collected this data in the past—Waterloo, Scott County.
3. Custodial Interrogations—Adoption of statewide policy to record custodial

interrogations in entirety

- May need to define custodial interrogation (in the field or a law enforcement agency)
- Curious why 1-3% of all agencies don't record custodial interrogations
- This issue does not have the same priority as the other two issues

Sherri Soich moved to prioritize the issues as listed above, seconded by Michelle Leonard.

Discussion:

Beisner noted that SF2267 recommended the collection of necessary data as a resource for research and study. If this issue is studied, it would be on a national level—what's occurring elsewhere with regards to policies and legislation.

Johnson added that there is a perception amongst young people that racial profiling exists. Information could be used from the minority youth community meetings.

Ferguson referenced a study completed by Saint Ambrose University (Davenport).

Kim Cheeks recalled that Davenport and Iowa City tracked this information in the past, but wasn't certain if it was still being done. She thought a report was issued by the Department of Public Safety.

The Chair recognized Betty Andrews, NAACP. Andrews clarified that the recommendation was co-presented by the NAACP and the ACLU, and that the NAACP has written a model racial profiling bill. She offered to provide information surrounding this issue at a future meeting.

Woolery asked how all issues would be prioritized. Beisner responded that it depended upon the issues selected during the PSAB meeting. Staff will review priorities overall and allocate staff time as available.

A vote was taken. The motion was unanimously approved.

VII. Additional Issues for Next Meeting

There were no additional issues brought before the Council.

VIII. Adjournment

Ferguson moved to adjourn, seconded by Swaim. The motion was unanimously approved. The meeting adjourned at 12:08 p.m.

Respectfully submitted,

Julie Rinker, Administrative Secretary
Div. of Criminal & Juvenile Justice Planning